

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAHMAL WILLIAMS TRUST

Plaintiff

v.

WELLS FARGO

EASTWICK BRANCH

Defendant

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CIVIL ACTION

NO. 21-CV-2659

O R D E R

AND NOW, this 21st day of December 2021, upon consideration of Jahmal Williams' *Motion to Proceed In Forma Pauperis* (ECF No. 7), Prisoner Trust Fund Account Statement (ECF No. 8), Motion to Re-Open Complaint (ECF No. 5), and *pro se* Amended Complaint (ECF No. 6), it is hereby **ORDERED** that:

1. The *Motion to Re-Open Complaint* (ECF No. 5) is **GRANTED**.
2. The Court's August 13, 2021 Order (ECF No. 4) is **VACATED** and the Clerk of Court is to **REOPEN** this case.
3. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
4. Jahmal Williams, #939103, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Detention Center or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Williams's inmate account; or (b) the average monthly balance in Williams's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket

number for this case. In each succeeding month when the amount in Williams's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Williams's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

5. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of the Detention Center.

6. The Amended Complaint is **DEEMED** filed.

7. Williams's Amended Complaint is **DISMISSED**, *in part*, **with prejudice**, and, *in part*, **without prejudice** for the reasons set forth in the accompanying Memorandum, as follows:

a. All federal claims are **DISMISSED, with prejudice**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

b. All state law claims are **DISMISSED, without prejudice**, for lack of subject matter jurisdiction and with leave to reassert in an appropriate state court.

8. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court